

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-8 are currently being amended. Support for the amendment to the control means feature of independent claims 1 and 5 can be found at least in the originally filed specification on page 28. Claims 1-8 have also been amended to be in better form for U.S. practice. No new matter has been added.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-8 are pending in this application.

Rejections under 35 U.S.C. § 103

Claims 1-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,973,611 to Kulha et al. (“Kulha”) in view of U.S. Patent No. 4,897,630 to Nykerk et al. (“Nykerk”) and further in view of U.S. Patent No. 4,193,055 to Barnum (“Barnum”). Applicants respectfully traverse these rejections for at least the following reasons.

Independent claims 1 and 5, as amended, each recite “control means that judges whether an approaching object is a human by analyzing at least one of a lower end position, a size or a moving speed of the approaching object, from a result of the detection of the Doppler sensor.” Thus, in claims 1 and 5, the control means judges whether an approaching object is human by analyzing at least one of three kinds of data, namely the lower end position, a size or a moving speed, from a result of the Doppler sensor. The references applied in the rejection of the claims fail to disclose or suggest at least this feature.

The Patent Office recognizes that Kulha and Nykerk fail to disclose the control means as recited in claims 1 or 5 stating on page 3 of the Office Action. “Kulha and Nykerk still do not specifically disclose the claimed control means that judges whether an approaching object is a human on the basis of a result of the detection of the Doppler sensor” but supplies Barnum for disclosing this feature. Applicants submit, however, that Barnum fails to cure the deficiencies of Kulha and Nykerk, in that Barnum fails to disclose the control means as recited in claims 1 or 5, as presently amended.

Barnum discloses a device that detects motion in a confined space through the use of a Doppler shift, and turns lights on and off depending upon whether there is human movement in the confined space (abstract). Barnum further discloses that the accepted range for human motion produced Doppler signals is about 6 to 360 Hz, but that a narrower range of 15 to 80Hz produces improved results (col. 4, lines 26-35).

Barnum, however, does not suggest the control means as recited in claims 1 or 5 which “judges whether an approaching object is a human by analyzing at least one of a lower end position, a size or a moving speed of the approaching object, from a result of the detection of the Doppler sensor.” That is, Barnum does not disclose a control means which judges whether an approaching object is human by analyzing at least one of three kinds of data, where the kinds of data are the lower end position, a size or a moving speed, from a result of the Doppler sensor. Rather, Barnum merely discloses that narrowing the Doppler signal bandwidth increases the responsivity to humans, while increasing the rejection of noise. (See col. 4, lines 48-52). Therefore, even if Kulha, Nykerk and Barnum were combined, the combination would not include the control means as specifically recited in claims 1 and 5.

The dependent claims are patentable for at least the same reasons as their respective independent claims as well as for further patentable features recited therein.

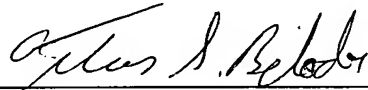
Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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